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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Osterheld et al. Art Unit : 3723
Serial No. : 10/665,925 Examiner : Shantese L. McDonald
Filed : September 19, 2003
Title : POLISHING PAD HAVING A GROOVED PATTERN FOR USE IN
CHEMICAL MECHANICAL POLISHING

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF APRIL 23, 2004

In reply to the Office Action of April 23, 2004, Applicant requests reconsideration in view of the following remarks.

Claims 1-18 stand rejected for obviousness-type double patenting over U.S. Patent No. 6,699,115 and U.S. Patent No. 6,517,416.

A terminal disclaimer is enclosed.

Please apply any appropriate charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 7/20/04

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CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

July 20, 2004
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Carlos A. Brasil
Signature

Carlos A. Brasil
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TERMINAL DISCLAIMER UNDER 37 CFR 1.321(b)

APPLIED MATERIALS, INC., is the assignee of the entire right, title, and interest in the above application and U.S. Patent No. 6,699,115 by virtue of an assignment from the inventors recording in the Patent and Trademark Office at Reel 009176, Frame 0660.

The undersigned is empowered to act on behalf of the assignee.

Pursuant to 37 CFR §1.321(b), and to obviate a double patenting rejection, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of U.S. Patent No. 6,699,115, provided that any patent granted on the above identified application shall be enforceable only for and during such period that it is commonly owned with U.S. Patent No. 6,699,115.

The assignee identified above does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,699,115 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as

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Page : 2 of 2

Attorney's Docket No.: 05542-236005 / 2001C3

stated above. Assignee herein does not disclaim or otherwise affect any part of U.S. Patent No. 6,699,115.

This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors or assigns.

Enclosed is a \$110 check for the Terminal Disclaimer fee. Please apply any other appropriate charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 7/20/04

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